



At the end of my weekly columns I always ask for feedback and for any other issues that members of the community would like me to cover. I have received a request to address the topic of what do rate payers do when Council fails in their duties?

THE FOLLOWING ADVICE IS FROM THE OFFICE OF LOCAL GOVERNMENT:

Resolving a problem with your council

If you have a concern about a council you should try to resolve it with the council in the first instance. If you are unhappy with the response from the council, you should write to council's General Manager and ask them to look into the matter for you.

When you write to the General Manager, make sure your letter is clear and to the point. Describe the problem in a couple of sentences, tell the council what you need and ask for action.

You need to allow the council a reasonable period to respond. For routine matters, you should generally allow four weeks – more complex matters may take longer to examine.

If the council's response is incomplete or unclear, write again to seek clarification.

If after receiving the council's response, your problem remains unresolved, you may need to consider taking the issue up with your local elected councillors or the Mayor.

Complaint handling

A complaint is an expression of dissatisfaction with the council's policies, procedures, charges, employees, agents or the quality of the services it provides.

Routine complaints

Councils should have processes in place for managing complaints that include the following features:

- A clear definition of what is and is not a complaint
- A user-friendly procedure for lodging complaints
- A simple process for dealing with complaints
- A means of recording, reporting on and using complaints data to improve systems
- A commitment to efficient and fair resolution of complaints by people at all levels in the council, starting with the General Manager
- Referral procedures should be known to all frontline staff
- Staff training and empowerment
- Appropriate remedies
- Performance standards
- Agreed basic policies and procedures that are easy to understand and explain will assist staff in resolving, conciliating and investigating complaints from the simple to the complex. They should always be written down.

Allegations of corrupt conduct

A General Manager of a council has a duty to report to ICAC any matter he or she suspects is corrupt conduct.

Allegations of a breach of the Code of Conduct.

Members of the public as well as other councillors, staff or delegates of council may make complaints under the code of conduct. The Model Code prescribes procedures for dealing with such complaints.

Allegations of a breach of the pecuniary interest provisions of the Local Government Act.

The Office of Local Government is empowered to investigate breaches of the pecuniary interest provisions of the Local Government Act. The General Manager of council has an obligation to refer complaints alleging breaches of the pecuniary interest provisions to the Office.

You may need to get your own legal advice and/or contact one of the following agencies preferably by telephone in the first instance:

NSW Ombudsman <https://www.ombo.nsw.gov.au/>

NSW Independent Commission Against Corruption <https://www.icac.nsw.gov.au/>

The Ombudsman's website has a useful fact sheet and reports on complaints in the Annual Report: https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0006/27348/Complaining-about-agencies-local-councils_factsheet.pdf

So, taking note of the advice from the Office of Local Government I searched the websites of the 3 local councils. I could not find anything about complaints on Orange City Council's website. Cabonne has a page and a form: <https://www.cabonne.nsw.gov.au/Council/Complaints>

Blayney Shire Council has a complaints management policy:

[https://www.blayney.nsw.gov.au/ArticleDocuments/184/02C Complaints Management.pdf.aspx](https://www.blayney.nsw.gov.au/ArticleDocuments/184/02C%20Complaints%20Management.pdf.aspx)

The Blayney Complaints Management Policy is worth reading as it has clear definitions, processes, reporting and regular review as well as advice about what to do next if the complainant is not satisfied with Council's response.

The Your Council website gives some interesting information about complaints and breaches of the Code of Conduct. The following tables show the details for 2017/18 and the Annual Reports for 2018/19 are due out by 31st October 2019.

| | RESULT | GROUP AVG. |
|--|--------|------------|
| ORANGE CITY COUNCIL | | |
| Code of Conduct Complaints (No.) | 4 | 5 |
| Complaints Investigated requiring action (No.) | 0 | 0 |
| Cost of dealing with Code of Conduct Complaints (\$) | 4,758 | 14,644 |
| CABONNE COUNCIL | | |
| Code of Conduct Complaints (No.) | 0 | 1 |
| Complaints Investigated requiring action (No.) | 0 | 0 |
| Cost of dealing with Code of Conduct Complaints (\$) | 0 | 2,445 |
| BLAYNEY SHIRE COUNCIL | | |
| Code of Conduct Complaints (No.) | 0 | 1 |
| Complaints Investigated requiring action (No.) | 0 | 0 |
| Cost of dealing with Code of Conduct Complaints (\$) | 0 | 2,759 |

I am happy to receive comments from readers about this column and other issues you would like me to cover so please either contact me at Orange City Life or aes@amandaspalding.com

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